

RESOLUTION NO. 2012-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING RESOLUTION NO. 90-83, RESOLUTION NO. 92-92 AND RESOLUTION NO. 2002-87 IN THEIR ENTIRETY AND REPEALING SECTIONS 1 AND 2 OF RESOLUTION NO. 93-92 AND ESTABLISHING THE RATES FOR THE SANITATION SERVICES FEE

WHEREAS, State law permits cities to recover the costs of providing services in the form of fees; and

WHEREAS, the fees for collection of residential refuse and recyclable materials within the City are based on the cost of providing such services; and

WHEREAS, the costs of providing these services has increased due to the need to comply with environmental laws, rules, and regulations including but not limited to the California Integrated Waste Management Act of 1989 (AB 939), the Global Warming Solutions Act of 2006 (AB 32), the Clean On-Road Residential and Commercial Refuse Collection Vehicles Rule (AQMD Rule 1193), and various rules and regulations of the California Air Resources Board (CARB) relating to diesel particulate matter control measures; and

WHEREAS, the costs of providing these services has increased including but not limited to the costs related to the maintenance of existing vehicles and purchase of alternative fuel vehicles as well as the implementation, promotion and education of waste diversion programs such as recycling and green waste recycling; and

WHEREAS, the City Council, as part of Torrance's Cool Cities initiative, would like to provide enhanced environmental programs for its citizens; and

WHEREAS, the City Council has previously set the date of January 24, 2012 as the date for a Public Hearing for consideration of rates for the sanitation services fee (including automatic adjustments to become effective for the next 5 years); and

WHEREAS, notice of the January 24, 2012 public hearing (the "Hearing"), and of the proposed rates was mailed to each property owner or tenant if they are the billed party as required by the state constitution; and

WHEREAS, such mailing was completed on December 5, 2011; and

WHEREAS, at the Hearing, the City Council heard and considered all oral and written testimony and protests; and

WHEREAS, the City Council desires to approve the proposed schedule of rates for the sanitation services fee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Torrance that:

SECTION 1

Resolution No. 90-83 is repealed in its entirety.

SECTION 2

Resolution No. 92-92 is repealed in its entirety.

SECTION 3

Resolution No. 2002-87 is repealed in its entirety.

SECTION 4

Sections 1 and 2 of Resolution No. 93-92 are repealed.

SECTION 5

The rates for the Sanitation Services Fee will be as follows:

Single Family Residence	\$25.08 per month (base fee: a 64 gallon refuse container)
Each additional residential unit	\$25.08 per month (equal to base fee)
Shared Alley Service	\$25.08 per month per unit (equal to base fee)
96 Gallon refuse container option	\$26.08 per month
Qualifying low income seniors	\$8.72 per month (with 64 gallon refuse container)
Qualifying low income disabled	\$8.72 per month (with 64 gallon refuse container)
Additional refuse containers	\$18.81 per month (75% of base fee)
Additional refuse containers delivery	\$10.00 one time fee per delivery
Start of service fee	\$4.00 one time fee

These new rates shall be in full force and effect February 1, 2012.

Opening and closing bills and bills for irregular periods shall be prorated on the basis of a 30 day month.

Each July 1st, for the next 5 years, the base fee (64 gallon refuse container), 96 gallon refuse container option fee, additional refuse container fees and fees for qualifying low income seniors and low income disabled persons will increase by the Consumer Price Index – Los Angeles, Anaheim, Riverside for all urban wage earners and clerical workers (CPI-W).

The rates effective July 1, 2016 shall continue in effect until amended or repealed by action of the City Council.

SECTION 6

It shall be the duty and function of the Director of Finance to administer this Resolution.

SECTION 7

The City Council of the City of Torrance declares that if this Resolution is overturned or rescinded due to a challenge in court, or if cannot be applied to a given fee payor for any reason, that it is the intent of the City Council of the City of Torrance to apply the Resolutions listed above as if they had not been repealed such that each fee payor is obligated to pay the fee under this Resolution or the prior Resolutions as the case may be.

SECTION 8

The City Council hereby finds:

- A. That written protests against the rates established in Section 5 of this Resolution have not been received with respect to a majority of affected customers.
- B. That revenues derived from those rates will not exceed the funds required to provide sanitation service.
- C. That revenues derived from those rates will not be used for any other purpose other than providing sanitation service.
- D. That the amounts of those rates imposed upon any parcel or person as an incident of property ownership will not exceed the proportional cost of the service attributable to the parcel.
- E. That those rates will not be imposed unless sanitation service is actually used by, or immediately available to, the customer.

- F. That those rates are imposed for sanitation service and not for a general governmental service such as police, fire, ambulance or library services.

INTRODUCED, APPROVED AND ADOPTED this _____ day of _____, 2012.

Mayor of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Patrick Q. Sullivan, Assistant City Attorney